

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIFKHAN PATHAN,

Defendant.

Case No. CR21-00010RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS
DATES

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial Pretrial Motions Dates." Dkt. # 17. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 18, the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: specifically, that the government provided initial discovery to the defense on February 11, 2021, that the defense has initiated an investigation and requires more time to adequately represent defendant, and that defense counsel intends to make additional discovery requests to the government. Dkt. # 17. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. Considering the recommendations made by the Centers for Disease Control and Prevention ("CDC") and Public Health for Seattle and King County regarding social distancing measures and restrictions required to stop the spread of disease, at this time it is not possible to proceed with a jury trial in this case, which had been scheduled for March 29, 2021. See W.D.

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1 Wash. Gen. Order Nos. 15-20, 18-20. Due to the Court's reduced ability to obtain an adequate
2 spectrum of jurors, and the impact of the aforementioned public health recommendations on
3 Court operations, the Court finds that a failure to continue the trial date in this case would likely
4 result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

5 3. The Court finds that the additional time requested between March 29, 2021 and the
6 proposed trial date of September 27, 2021, is a reasonable period of delay. The Court finds that
7 this additional time is necessary to provide defense counsel reasonable time to prepare for trial,
8 to investigate the matter, to gather evidence material to defense, and to consider possible
9 defenses, considering all the facts set forth above.

10 4. The Court further finds that this continuance would serve the ends of justice, and that
11 these factors outweigh the best interests of the public and defendant in a speedier trial, within
12 the meaning of 18 U.S.C. § 3161(h)(7)(A); see also W.D. Wash. Gen. Order Nos. 15-20, 18-20.

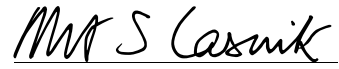
13 5. Defendant has executed a waiver indicating that he has been advised of his right to a
14 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
15 that right and consented to the continuation of his trial to a date up to and including October 18,
16 2021, Dkt. # 18, which will permit his trial to start on September 27, 2021.

17 IT IS HEREBY ORDERED that the trial date shall be continued from March 29, 2021, to
18 September 27, 2021, and pretrial motions are to be filed no later than August 20, 2021.

19 IT IS FURTHER ORDERED that the period of time from the current trial date of March
20 29, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy
21 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of
22 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
23 (h)(7)(A), and (h)(7)(B)(i), (iv).

24 IT IS SO ORDERED.
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1 DATED this 19th day of February, 2021.

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4 Robert S. Lasnik

5 United States District Judge
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